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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patel, et al.

Serial No.: 10/587,613

Group Art Unit No.: 1626

Filed: 28 July 2006

Examiner: Y. Chu

For: Fused Heteroaryl Derivatives and Their Use as p38 Kinase Inhibitors

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Assignee, SmithKline Beecham Corporation of One Franklin Plaza, Philadelphia, Pennsylvania 19103, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/587,613 filed 28 July 2006 for "FUSED HETEROARYL DERIVATIVES AND THEIR USE AS P38 KINASE INHIBITORS", which is the §371 national stage entry of PCT/GB2005/000266, filed 27 January 2005, filed in the names of Vipulkumar Patel, and Stephen Swanson as indicated by the assignments duly recorded in the United States Patent and Trademark Office at Reel 018312 and Frame 0762 on 27 September 2006. Assignee, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent Application No. 10/522,955, filed 14 November 2005, as indicated by the assignments duly recorded in the United States Patent and Trademark Office at Reel 017334 and Frame 0788 on 13 March 2006.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent issued on prior Application No. 10/522,955. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issued on the prior patent application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issued on the prior patent application, as presently shortened by any terminal disclaimer, in the event that the patent issued on the prior patent application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.


In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please

charge the fees to Deposit Account 19-2570. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 19-2570.

The undersigned is an attorney of record.

Respectfully submitted,



Dated: 16 January 2009

By: _____
Dara L. Dinner
Attorney for Applicants
Registration No. 33,680

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-5017
Facsimile (610) 270-5090